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Identical letters dated 23 February 2015 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

In previous letters, we have described how the Turkish Government is directly supporting terrorist activities against Syria in every way. It has helped thousands of foreign terrorists, extremists and mercenaries from around the world to cross into Syrian territory, supplying them with funds, weapons, training and safe haven. Those actions are a blatant violation of the relevant Security Council resolutions, particularly resolutions 2170 (2014), 2178 (2011) and 2199 (2015). I now wish to inform you that the Turkish regime has not limited itself to providing every kind of support for its proxies Islamic State in Iraq and the Levant (ISIL), the Nusrah Front and other terrorist organizations associated with Al-Qaida. At dawn on 22 February 2015, the regime itself launched a flagrant aggression when hundreds of soldiers and Turkish military vehicles entered the territory of the Syrian State.

By a letter of 21 February 2015, on the eve of the attack, the Turkish Ministry of Foreign Affairs informed the Consulate General of the Syrian Arab Republic in Istanbul that it intended to relocate the tomb of Sulayman Shah. However, it did not wait for the consent of the Syrian Government, as was customary under the agreement concluded between Turkey and what were then the occupation authorities of France.

Article 9 of the 1921 Ankara Agreement provides that the tomb of Sulayman Shah, grandfather of Sultan Uthman, founder of the Ottoman Dynasty (the tomb known as the Turkish Shrine) located at Qal'at Ja'bar would, along with its premises, remain the property of Turkey, which may post guards there and raise the Turkish flag.

The text shows that the property rights of the Turkish Government under the Agreement are limited to the tomb and its premises, owing to the tomb's symbolic value (which is reflected in the term "the Turkish Shrine", in the text of article 9). That provision can in no way be construed as granting the Turkish Government sovereign rights over the land on which the tomb is located. Thus, the very act of moving the tomb into Turkey would nullify any Turkish property rights on Syrian territory. Nor can the Ankara Agreement be invoked in order to justify seizing other Syrian territory instead of the tomb's original location. The tomb that is under Turkish ownership for symbolic reasons was moved, and Turkey therefore has no property rights over the land on which it was re-installed. The same applies to the

first move of the tomb, which took place when the Euphrates dam was built. The Turkish property rights enshrined in the Ankara Agreement are limited to the tomb, whereas the land on which the tomb was installed is public property of the Syrian State. This applies to the location to which the tomb was moved in the 1970s: a specific piece of land belonging to the Syrian State was chosen as the new location of the tomb under an agreement between the two countries.

The Turkish Government has moved the site of the shrine to another location within Syrian territory. It has done so unilaterally, and without any agreement with the Syrian Government for that purpose. The Government of the Syrian Arab Republic emphasizes that such conduct cannot be justified on the grounds of the 1921 Ankara Agreement; indeed, it contravenes article 9 of the Agreement. The latter clearly specifies the location of the tomb, which was subsequently moved under a bilateral agreement. This unilateral measure violates the sovereignty of the Syrian State. The relevant agreements and correspondence address the issue in terms of symbolic value, not in terms of a Turkish plot of land that can be moved across Syrian territory.

The Government of the Syrian Arab Republic notes that, in its letter of 21 February 2015 addressed to the Consulate General of the Syrian Arab Republic, the Turkish Ministry of Foreign Affairs cites communication No. 419 of the Syrian Consulate General in Istanbul, dated 29 September 2012, to justify the Turkish aggression, because that document allegedly refers to the shrine as being part of Turkish territory. In that connection, Syria notes that the above-mentioned communication does not contain any indication whatsoever that the shrine is considered part of Turkish territory. Instead, the subject of the communication is confined to the undertaking of the Syrian Government to create a technical committee to assess the damage that occurred to the shrine at that time.

The Syrian Government further notes that the Turkish Government, in its letter of 21 February 2015, indicates that the shrine had been temporarily relocated for security reasons. It would have therefore been more appropriate to identify a new location for the shrine in Turkish territory because the shrine could no longer be considered real estate, but had become, rather, moveable property, simply by virtue of its removal from its original location. Accordingly, there is no longer any legal basis for demanding a new site for the shrine in Syrian territory.

The fact that this shrine is located in an area of Raqqah governorate in which the gangs of the terrorist organization ISIL are present raises doubts as to Turkey's true intentions. ISIL has demolished mosques, churches and shrines, yet it did not touch this shrine. Such restraint confirms the depth of the relationship between the Erdoğan regime and the terrorist organization. ISIL also made no attempt to confront the Turkish troops either when they entered or left, a course of action that provides yet further evidence of the Turkish regime's coordination and cooperation with ISIL and other terrorist organizations.

The Turkish aggression against Syria is a blatant violation of the territorial sovereignty of the Syrian Arab Republic. The Turkish Government has committed an act that contravenes the peremptory norms of international law, including respect for national sovereignty and the prohibition of aggression. The use of military forces by Turkey to move the shrine is a blatant aggression against a sovereign State Member of the United Nations and a violation of international law and conventions, in particular Article 2 of the Charter of the United Nations, under which the threat

or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations, is prohibited. The forceful seizure of Syrian territory, namely, the border village of Ashmah, and the raising of the Turkish flag over that village, in preparation for the future transfer of the shrine to that location, amounts to the occupation of Syrian territory. Under no circumstances may the provisions of the 1921 Ankara Agreement be cited as justification for the Turkish Government's actions, because the privileges granted to the Turkish Government, whether in respect of the shrine, the flying of the Turkish flag or the posting of guards, were tied to the original location of the shrine and its symbolism.

The Syrian Government affirms that the Turkish authorities are responsible for the consequences of Turkey's violation of the 1921 Agreement.

The Government of the Syrian Arab Republic puts this information at your disposal and calls on the Secretary-General and Security Council to condemn this grave aggression by Turkey and to take immediately the necessary action against the Turkish regime, pursuant to the Charter of the United Nations and the relevant Security Council resolutions.

I should be grateful if the present letter could be circulated as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative